

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003

AMENDED IN SENATE APRIL 30, 2003

AMENDED IN SENATE APRIL 22, 2003

**SENATE BILL**

**No. 871**

**Introduced by Senator ~~Burton~~ Torlakson**

February 21, 2003

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~~An act to amend Section 39152 of the Health and Safety Code, relating to air quality. An act to amend Section 51852 of the Education Code, and to add Section 1810.3 to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 871, as amended, ~~Burton~~ Torlakson. ~~Air quality: gasoline vapor recovery systems~~ Vehicles.

(1) Existing law generally regulates driving schools and driving instructors. Existing law provides that, until July 1, 2004, these provisions may not be construed to direct or restrict driver education courses offered by private secondary schools, as defined, or to require credentialed or certified instructors in courses offered by those schools.

*This bill would extend the specified date to July 1, 2005.*

(2) Existing law authorizes the Department of Motor Vehicles to establish commercial requester accounts for individuals or organizations for the purpose of obtaining information from the department's files, except as specified.

*Existing law requires certain motor vehicle traffic accident reports to be submitted to the department and the Department of the California Highway Patrol, and prohibits the release of the information in those*

reports except to certain state and local governmental agencies and certain, listed interested persons.

This bill would require the department, using the information in those accident reports, to compile an electronic database consisting of the manufacturer's vehicle identification number, the license plate number, the accident report number, and a description of the damage incurred by a vehicle, for each vehicle that is included in an accident report. The bill would require the department to make the information in the database available to a person who has established a commercial requester account and entered into a specified contract with the department. The bill would prohibit the department from providing the specified information unless the person requesting information stipulates in the contract with the department that (a) the information provided may not be used for the purpose of identifying or contacting any person or for any purpose other than identifying a vehicle that has been damaged in a traffic accident and providing a description of that damage; and (b) the accident report number and license plate number may be used only for the internal verification purposes of the business that receives the information and may not be disclosed to any party other than the department or the Department of the California Highway Patrol. The bill would make the use of the information in violation of the elements of the stipulation a violation of related criminal, and civil remedy provision of existing law. The bill thereby would establish a state-mandated local program by expanding the scope of a crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law requires, until January 1, 2006, any authorized representative of the State Air Resources Board, an air quality management district, or an air pollution control district, or a designated officer of those entities, if that authorized representative detects a minor violation in the course of conducting an inspection authorized pursuant to the air pollution control laws of the state, to issue a notice to comply prior to leaving the site at which the minor violation is alleged to have occurred, if the authorized representative determines that a notice to comply is warranted.~~

~~Existing law authorizes the state board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations, with performance standards that are reasonable and necessary to achieve or maintain any applicable ambient air quality standards. Existing law also requires the state board to adopt additional performance standards that are reasonable and necessary to ensure the systems for the control of gasoline vapors resulting from motor vehicle fueling operations do not cause excessive gasoline liquid spillage or excessive evaporative emissions.~~

~~This bill would include as a minor violation, any violation of a requirement imposed on vapor recovery systems on gasoline cargo tanks, if the violation is the owner or operator's first violation of that nature, and the state board, a district, or authorized or designated officer determines that the violation is de minimis, does not pose a threat to the public health or the environment, is not knowing or intentional, and does not cause or contribute to a violation of any state or federal ambient air quality standard or toxic air contaminant standard. The additional duties for a district under this bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 39152 of the Health and Safety Code is~~
- 2 *SECTION 1. Section 51852 of the Education Code, as*
- 3 *amended by Section 1 of Chapter 774 of the Statutes of 2002, is*
- 4 *amended to read:*
- 5 51852. (a) A course of instruction in the laboratory phase of
- 6 driver education shall include, for each student enrolled in the
- 7 class, instruction under one of the following plans:
- 8 ~~(a)~~
- 9 (1) Plan One. A minimum of 12 hours allocated as follows:

- 1     ~~(1)–~~  
2     (A) A minimum of six hours of on-street behind-the-wheel  
3 practice driving instruction in a dual-control automobile with a  
4 qualified instructor.  
5     ~~(2)–~~  
6     (B) A minimum of six hours in a dual-control automobile with  
7 a qualified instructor for the purposes of observation. Practice  
8 driving on an off-street multiple-car driving range approved by the  
9 department under the supervision of a qualified instructor may be  
10 substituted for all or part of the observation time.  
11    ~~(b)–~~  
12    (2) Plan Two. A minimum of 24 hours allocated as follows:  
13    ~~(1)–~~  
14    (A) Three hours of on-street behind-the-wheel practice driving  
15 instruction in a dual-control automobile with a qualified instructor.  
16    ~~(2)–~~  
17    (B) Six hours in a dual-control automobile with a qualified  
18 instructor for the purposes of observation. Practice driving on an  
19 off-street multiple-car driving range approved by the department  
20 under the supervision of a qualified instructor may be substituted  
21 for all or part of the observation time.  
22    ~~(3)–~~  
23    (C) Twelve hours of instruction by a qualified instructor in a  
24 driving simulator approved by the department.  
25    ~~(4)–~~  
26    (D) At least three additional hours of instruction specified in  
27 one or more of ~~paragraphs 1 to 3~~ *subparagraphs (A) to (C)*,  
28 inclusive, of this ~~subdivision~~ *paragraph*.  
29    ~~(e)–~~  
30    (3) Plan Three. A minimum of 24 hours allocated as follows:  
31    ~~(1)–~~  
32    (A) Three hours of on-street behind-the-wheel practice driving  
33 instruction in a dual-control automobile with a qualified instructor.  
34    ~~(2)–~~  
35    (B) Six hours in a dual-control automobile with a qualified  
36 instructor for the purpose of observation.  
37    ~~(3)–~~  
38    (C) Twelve hours of instruction by a qualified instructor on an  
39 off-street multiple-car driving range.  
40    ~~(4)–~~



(D) At least three additional hours of instruction specified in one or more of paragraphs 1 to 3 subparagraphs (A) to (C), inclusive, of this subdivision paragraph.

~~(d)~~

(4) Plan Four. A minimum of 24 hours allocated as follows:

~~(1)~~

(A) Three hours of on-street behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

~~(2)~~

(B) Three hours in a dual-control automobile with a qualified instructor for the purpose of observation.

~~(3)~~

(C) Eighteen hours of instruction by a qualified instructor in a driving simulator approved by the department and on an off-street multiple-car driving range. The governing board of the district shall establish the proportion of time to be utilized in simulators and on the off-street multiple-car driving range.

~~(e)~~

(5) Plan Five.

~~(1)~~

(A) Competency-based driver training which means a program in which each student receives a minimum of three hours of on-street behind-the-wheel practice driving instruction, a minimum of one hour of behind-the-wheel pretesting, and a minimum of one hour of behind-the-wheel posttesting. The pretest and posttest for public school programs shall include basic skill evaluation by the instructor, as adopted by the Superintendent of Public Instruction pursuant to paragraph (2) subparagraph (B). The one hour posttest shall be conducted by an instructor other than the instructor who conducted the three hours of behind-the-wheel practice driving instruction or the pretest. Each student shall receive at least one additional hour of either behind-the-wheel practice driving instruction or observation time.

~~(2)~~

(B) The Superintendent of Public Instruction shall adopt rules, regulations, and basic skill requirements for public school programs pursuant to this subdivision paragraph.

~~(3)~~

(C) Local district superintendents offering this program shall annually report to the Superintendent of Public Instruction, on a

1 form developed by the State Department of Education, on student  
2 completion of instruction pursuant to ~~paragraph (1)~~ subparagraph  
3 (A).

4 ~~(f)–~~

5 (b) For purposes of this section, one hour means 60 minutes  
6 including passing time.

7 ~~(g)–~~

8 (c) Any deviation from the standard use of a simulator or  
9 off-street multiple-car driving range, or both, shall have prior  
10 approval by the Department of Education before the school  
11 district, county superintendent of schools, the California Youth  
12 Authority, or the Department of Education can be reimbursed for  
13 the students trained.

14 ~~(h)–~~

15 (d) Nothing in this chapter ~~shall~~ may be construed to direct or  
16 restrict courses of instruction in the classroom phase or the  
17 laboratory phase of driver education offered by private elementary  
18 and secondary schools or to require the use of credentialed or  
19 certified instructors in the laboratory phase of driver education  
20 offered by private elementary and secondary schools, except that  
21 each student enrolled in a course shall satisfactorily complete a  
22 minimum of six hours of on-street behind-the-wheel driving  
23 instruction. This chapter ~~shall~~ may not be construed to limit  
24 eligibility for a provisional driver's license for pupils who have  
25 completed driver education or driver training courses offered in  
26 private elementary or secondary schools.

27 ~~(i)–~~

28 (e) For the purposes of this section, private elementary or  
29 secondary schools are those subject to the provisions of Sections  
30 33190 and 48222.

31 ~~(j)–~~

32 (f) This section shall become inoperative on July 1, ~~2004~~ 2005,  
33 and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted  
34 statute that is enacted before January 1, ~~2005~~ 2006, deletes or  
35 extends the dates on which it becomes inoperative and is repealed.

36 SEC. 2. Section 51852 of the Education Code, as added by  
37 Section 1.5 of Chapter 774 of the Statutes of 2002, is amended to  
38 read:

1 51852. (a) A course of instruction in the laboratory phase of  
2 driver education shall include, for each student enrolled in the  
3 class, instruction under one of the following plans:

4 ~~(a)–~~

5 (1) Plan One. A minimum of 12 hours allocated as follows:

6 ~~(1)–~~

7 (A) A minimum of six hours of on-street behind-the-wheel  
8 practice driving instruction in a dual-control automobile with a  
9 qualified instructor.

10 ~~(2)–~~

11 (B) A minimum of six hours in a dual-control automobile with  
12 a qualified instructor for the purposes of observation. Practice  
13 driving on an off-street multiple-car driving range approved by the  
14 department under the supervision of a qualified instructor may be  
15 substituted for all or part of the observation time.

16 ~~(b)–~~

17 (2) Plan Two. A minimum of 24 hours allocated as follows:

18 ~~(1)–~~

19 (A) Three hours of on-street behind-the-wheel practice driving  
20 instruction in a dual-control automobile with a qualified instructor.

21 ~~(2)–~~

22 (B) Six hours in a dual-control automobile with a qualified  
23 instructor for the purposes of observation. Practice driving on an  
24 off-street multiple-car driving range approved by the department  
25 under the supervision of a qualified instructor may be substituted  
26 for all or part of the observation time.

27 ~~(3)–~~

28 (C) Twelve hours of instruction by a qualified instructor in a  
29 driving simulator approved by the department.

30 ~~(4)–~~

31 (D) At least three additional hours of instruction specified in  
32 one or more of paragraphs 1 to 3 subparagraphs (A) to (C),  
33 inclusive, of this subdivision paragraph.

34 ~~(e)–~~

35 (3) Plan Three. A minimum of 24 hours allocated as follows:

36 ~~(1)–~~

37 (A) Three hours of on-street behind-the-wheel practice driving  
38 instruction in a dual-control automobile with a qualified instructor.

39 ~~(2)–~~

1 (B) Six hours in a dual-control automobile with a qualified  
2 instructor for the purpose of observation.

3 ~~(3)–~~

4 (C) Twelve hours of instruction by a qualified instructor on an  
5 off-street multiple-car driving range.

6 ~~(4)–~~

7 (D) At least three additional hours of instruction specified in  
8 one or more of ~~paragraphs 1 to 3~~ *subparagraphs (A) to (C)*,  
9 inclusive, of this ~~subdivision~~ *paragraph*.

10 ~~(d)–~~

11 (4) Plan Four. A minimum of 24 hours allocated as follows:

12 ~~(1)–~~

13 (A) Three hours of on-street behind-the-wheel practice driving  
14 instruction in a dual-control automobile with a qualified instructor.

15 ~~(2)–~~

16 (B) Three hours in a dual-control automobile with a qualified  
17 instructor for the purpose of observation.

18 ~~(3)–~~

19 (C) Eighteen hours of instruction by a qualified instructor in a  
20 driving simulator approved by the department and on an off-street  
21 multiple-car driving range. The governing board of the district  
22 shall establish the proportion of time to be utilized in simulators  
23 and on the off-street multiple-car driving range.

24 ~~(e)–~~

25 (5) Plan Five.

26 ~~(1)–~~

27 (A) Competency-based driver training which means a program  
28 in which each student receives a minimum of three hours of  
29 on-street behind-the-wheel practice driving instruction, a  
30 minimum of one hour of behind-the-wheel pretesting, and a  
31 minimum of one hour of behind-the-wheel posttesting. The pretest  
32 and posttest for public school programs shall include basic skill  
33 evaluation by the instructor, as adopted by the Superintendent of  
34 Public Instruction pursuant to ~~paragraph (2)~~ *subparagraph (B)*.  
35 The one hour posttest shall be conducted by an instructor other  
36 than the instructor who conducted the three hours of  
37 behind-the-wheel practice driving instruction or the pretest. Each  
38 student shall receive at least one additional hour of either  
39 behind-the-wheel practice driving instruction or observation time.

40 ~~(2)–~~



1 (B) The Superintendent of Public Instruction shall adopt rules,  
2 regulations, and basic skill requirements for public school  
3 programs pursuant to this ~~subdivision~~ paragraph.

4 ~~(3)–~~

5 (C) Local district superintendents offering this program shall  
6 annually report to the Superintendent of Public Instruction, on a  
7 form developed by the State Department of Education, on student  
8 completion of instruction pursuant to ~~paragraph (1)~~ subparagraph

9 (A).

10 ~~(f)–~~

11 (b) For purposes of this section, one hour means 60 minutes  
12 including passing time.

13 ~~(g)–~~

14 (c) Any deviation from the standard use of a simulator or  
15 off-street multiple-car driving range, or both, shall have prior  
16 approval by the Department of Education before the school  
17 district, county superintendent of schools, the California Youth  
18 Authority, or the Department of Education can be reimbursed for  
19 the students trained.

20 ~~(h)–~~

21 (d) Nothing in this section ~~shall~~ may be construed to direct or  
22 restrict courses of instruction in the classroom phase or the  
23 laboratory phase of driver education offered by private elementary  
24 and secondary schools or to require the use of credentialed or  
25 certified instructors in the laboratory phase of driver education  
26 offered by private elementary and secondary schools, except that  
27 each student enrolled in a course shall satisfactorily complete a  
28 minimum of six hours of on-street behind-the-wheel driving  
29 instruction. This section ~~shall~~ may not be construed to limit  
30 eligibility for a provisional driver's license for pupils who have  
31 completed driver education or driver training courses offered in  
32 private elementary or secondary schools.

33 ~~(i)–~~

34 (e) For the purposes of this section, private elementary or  
35 secondary schools are those subject to the provisions of Sections  
36 33190 and 48222.

37 ~~(j)–~~

38 (f) This section shall become operative on July 1, ~~2004~~ 2005.

39 SEC. 3. Section 1810.3 is added to the Vehicle Code, to read:

1 1810.3. (a) Using the information in the accident reports  
2 made available to the department under Section 20012, the  
3 department shall compile an electronic database consisting of all  
4 of the following information for each vehicle that is included in  
5 those reports:

6 (1) The manufacturer's vehicle identification number.

7 (2) The license plate number.

8 (3) The accident report number.

9 (4) A description of the damage incurred by the vehicle as a  
10 result of the accident.

11 (b) Notwithstanding Section 16005 or 20012, the department  
12 shall make the information in that database available to a person  
13 who has done both of the following:

14 (1) Established a commercial requester account under Section  
15 1810.2.

16 (2) Entered into the contract described in subdivision (c).

17 (c) The department may not provide information under this  
18 section unless the person requesting the information has entered  
19 into a contract with the department that includes the following  
20 stipulations:

21 (1) The information provided may not be used for the purpose  
22 of identifying or contacting any person or for any other purpose  
23 except as specified in paragraph (2).

24 (2) The information may be used only to identify a vehicle that  
25 has been damaged in a traffic accident, and to provide a  
26 description of that damage.

27 (3) The accident report number and license plate number  
28 provided under this section may be used only for the internal  
29 verification purposes of the business that receives the information  
30 and may not be disclosed to any party other than the department  
31 or the Department of the California Highway Patrol.

32 (d) Use of the information provided under this section in  
33 violation of paragraph (1), (2), or 3 of subdivision (c) is a violation  
34 of Sections 1808.45 and 1808.46.

35 SEC. 4. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

1 *the Government Code, or changes the definition of a crime within*  
2 *the meaning of Section 6 of Article XIII B of the California*  
3 *Constitution.*

4  
5  
6 **All matter omitted in this version of the**  
7 **bill appears in the bill as amended in the**  
8 **Senate April 30, 2003 (JR 11)**  
9

10  
11 CORRECTIONS

12 **Digest — Page 1.**  
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